GOVERNMENT OF ANDHRAPRADESH
ABSTRACT

Public Servants – Prohibition & Excise Department – Allegation of Criminal Misconduct against Sri D. Prabhakara Rao, P&E Sub-Inspector (Retired) for his involvement in the liquor syndicate case along with other P&E officials pertaining to Srikakulam District – Case entrusted to Tribunal for Disciplinary Proceedings – W.P. No. 18391 of 2021 filed challenging the charge memo issued by the TDP in TEC No.351/2013 - TDP repealed, Case entrusted to CoI - Hon'ble High Court orders dated. 28.04.2023 in W.P. No. 18391 of 2021 - Implemented – Further action dropped against Sri D. Prabhakara Rao, P&E Sub-Inspector (Retired) - Orders - Issued.

REVENUE (VIGILANCE.IV) DEPARTMENT

G.O.RT.No. 333 **Dated: 18-04-2025**

Read the following:

1. From the D.G., ACB, Lr.Rc.No.74/RCO-VSK/2012 (Cr.No.4/RCO-ACB-VZM/2012), Dt.12.11.2012.
2. Govt. Memo. No. 51873/Vig.V(2)/2012-1, dated:16.01.2013.
3. Tribunal for Disciplinary Proceedings Charge Memo in TEC No.351 of 2013, dtd.08.05.2017.
4. Act 29 of 2022 to repeal the Andhra Pradesh Civil Services (Disciplinary Proceeding Tribunal) Act, 1960 and to provide for matters connected therewith or incidental thereto published in A.P. Gazettee, Part-IV-B Extraordinary No.29, Amaravati, dt.22.12.2022.
5. G.O.Ms.No.98 GA (Ser.E) Dept., dtd. 18.08.2022.
6. G.O.Rt.No.369, Rev (Vig.IV) Dept., dated: 17.04.2023.
7. Hon'ble High Court orders dated 28.04.2023 in 18391 of 2021 filed by Sri Sri D.Prabhakara Rao, P&E Sub-Inspector (Retired) received on 26.10.2023.
8. D.O. Lr. No. TC Peshi.4/COI-MKS/2023, dated 01.09.2023 of IA Sri Manish Kumar Sinha, IPS.
9. Govt. Memo.No.51873/Vig.V(2)/2012, dated 04.03.2024.
10. Written explanation of Sri D.Prabhakara Rao, P&E Sub-Inspector (Retired) received on 01.05.2024.
11. Contempt Case No.640/2025 in WP No.18391 of 2021 filed by Sri D. Prabhakara Rao, P&E Sub-Inspector (Retired).

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ORDER:

In the reference 1st read above, the Director General, Anti- Corruption Bureau has furnished report on certain allegations against Prohibition & Excise Officials involved in the liquor syndicate case pertaining to Srikakulam district including Sri D.Prabhakara Rao, P&E Sub-Inspector (Retired) along with other Prohibition & Excise officials in Crime No.4/RCO-ACB-VZM/2012. The Director General, Anti-Corruption Bureau recommended for placing on his defence before Tribunal for Disciplinary Proceedings (TDP) along with other P&E officials.

2. In the reference 2nd read above, Government placed Sri D. Prabhakara Rao, P&E Sub-Inspector (Retired) on his defence before TDP, among others. The TDP issued Charges against him vide reference 3rd read above.

(PTO)

3. Whereas, Sri D. Prabhakara Rao, P&E Sub-Inspector (Retired) filed W.P.No.18391 of 2021 before the Hon'ble High Court to declare the action of respondents in not concluding the disciplinary proceedings initiated vide TEC No 351 of 2013, Dt. 08.05.2017 as illegal and arbitrary.

4. And whereas, the Government repealed the TDP and the cases pending before the Tribunal were transferred to the Commissioner of Inquiries (COI) vide reference 4th & 5th read above. These consequences have been placed before the Hon'ble High Court by filing counter affidavit in the above Writ Petition.

5. In the reference 6th read above, Sri Manish Kumar Sinha, IPS/ COI was appointed as Inquiring Authority for conducting inquiry into charges framed against Sri D.Prabhakara Rao, P&E Sub-Inspector (Retired) along with other P&E officials, with a direction to submit the inquiry report to the Government within (4) months. Presenting Officer was also appointed.

6. In the reference 7th read above, the Hon'ble High Court, in its orders dated 28.04.2023 in W.P.No.18391 of 2021 disposed the case with the following directions:

> "Considering the aforesaid including the admitted facts related to delay in concluding the disciplinary proceedings against the petitioner and the settled legal preposition related to quashing of disciplinary proceedings/charge-sheet, this court is not inclined to interfere at this stage. However, considering the facts of the case, the disciplinary authority is directed to complete the disciplinary proceedings, as expeditiously as possible, preferably within a period of three months from the date of receipt of copy of this order or else it is needless to say that the charge framed against the petitioner/employee stands quashed automatically without reference to any further order of this Hon'ble Court".

7. In the reference 8th read above, the IA submitted inquiry report. A copy of the Inquiry Report has been communicated to the Charged Officers including Sri D.Prabhakara Rao, P&E Sub-Inspector (Retired) calling for their explanations and further process was taken up. However the disciplinary proceedings are yet to be concluded.

8. As the matter is under examination, Sri D.Prabhakara Rao, P&E Sub-Inspector (Retired), has filed Contempt Case No. 640/2025 praying that the Hon'ble High Court may be pleased to summon the respondents for committing contempt of orders of the Hon'ble High Court passed in W.P. No. 18391 of 2021, dated 28.04.2023 passed by the Hon'ble High Court.

9. Government, after careful examination of the entire matter have observed that as per the Hon'ble High Court orders, the disciplinary proceedings have to be completed within three months, failing which the Charge Memo issued in TEC No.351/2013 shall stand quashed. Since the disciplinary proceedings have not been concluded within the prescribed time frame, the charge memo stood automatically quashed on 25.01.2024 as per the Hon'ble High Court's orders dated 28.04.2023. Any disciplinary proceedings taken up after the Court timelines are over fails the test of legality. Therefore fallowing the order of the Hon'ble High Court, the Government has decided to implement the orders dated 28.04.2023 of Hon'ble High Court

passed in W.P.No.18391 of 2021 and hereby drop further action against Sri D. Prabhakara Rao, P&E Sub-Inspector (Retired) in departmental case (TEC No.351/2013, dt.08.05.2017).

10. The Director of Prohibition and Excise shall take further necessary action in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MUKESH KUMAR MEENA
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri Sri D. Prabhakara Rao, P&E Sub-Inspector (Retired) through Director, Prohibition and Excise, Andhra Pradesh, Mangalagiri, Guntur District.
The Director of Prohibition and Excise, Mangalagiri, Guntur district.
Copy to:
The Director General, Anti-Corruption Bureau, A.P, Vijayawada.
The Secretary to Vigilance Commissioner, A.P.Vigilance Commission, Andhra Pradesh Secretariat, Velagapudi.
The Government Pleader for Services, A.P. High Court, Amaravathi.
Sc/Sf.

//FORWARDED:BY ORDER//

SECTION OFFICER